

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HENRIETTA BURKE, SP 2011-MV-040 Appl. under Sect(s). 8-923 of the Zoning Ordinance to permit existing fence greater than 4.0 ft. in height to remain in front yards on a corner lot. Located at 8201 East Boulevard Dr. on approx. 24,541 sq. ft. of land zoned R-2. Mt. Vernon District. Tax Map 102-4 ((1)) 73. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 10, 2011; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. There were several letters in support of the application.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This special permit is approved for the location of the fence as shown on the plat prepared by R.C. Fields, Jr. & Associates, dated and signed April 22, 2011, as submitted with this application and is not transferable to other land.
2. Within six months of approval of this special permit application, the applicant shall relocate the portion of fence in the front yard of 909 Herbert Springs Road onto the property subject to this application at a height of no greater than 6.0 feet.
3. Within six months of approval of this special permit application, the applicant shall reduce all portions of the fence in the front yards to a maximum of 6.0 feet in height and relocate the fence out of the sight distance triangle.
4. Within six months of approval of this special permit application, if determined necessary by the Department of Public Works & Environmental Services, the applicant shall obtain all necessary permits for the detached garage.
5. The applicant shall assume all responsibility for repair and/or replacement of any portions of the fence which must be removed to accommodate repairs and/or maintenance within any of the easements as shown on the special permit plat.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Byers seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.